

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS

GARBER BROS., INC.,

Plaintiff,

v.

JH TRADEMARK COMPANY, LLC,

Defendant.

CIVIL ACTION
NO. 04-11459-RCL

MOTION FOR SHORT ORDER OF NOTICE

Pursuant to Rule 6(c) of the Federal Rules of Civil Procedure, plaintiff, Garber Bros., Inc. ("GBI") hereby moves that this Court enter a Short Order of Notice on Plaintiff's Motion for a Preliminary Injunction (the "Motion"). GBI requests that hearing on the motion be held in this Court on **Wednesday, August 11, 2004**. As grounds for this Motion, GBI states as follows:

1. On June 5, 2004, GBI filed this action in Norfolk County, Massachusetts.
2. At the same time that it filed this action, GBI sought a preliminary injunction barring the defendant, JH Trademark Company, LLC ("Defendant") from soliciting or contacting its customers and using confidential information that it was retaining unlawfully.
3. GBI sought and obtained a short order of notice scheduling a hearing on the motion for a preliminary injunction for June 15, 2004. A true copy of the short order of notice, dated June 5, 2004, is attached hereto as *Exhibit A*.
4. Counsel for GBI agreed to reschedule the hearing on GBI's motion for a preliminary injunction for June 29, 2004. A true copy of correspondence exchanged by GBI and Defendant on June 8, 2004 is attached hereto as *Exhibit B*.
5. Defendant removed this action to this Court on Friday, June 25, 2004.
6. GBI and Defendant have been engaged in settlement negotiations since Defendant removed this case. The settlement negotiations have not been successful.

7. As set forth in the Memorandum in Support of Plaintiff's Motion for a Preliminary Injunction, there are adequate grounds for a hearing on this issue on short notice, including that GBI is suffering ongoing irreparable harm due to Defendant's continued retention of GBI's confidential information and Defendant's improper and abusive contact with GBI customers.

8. If Defendant had not removed this action from state court, GBI would have had the opportunity to be heard on this motion by this date.

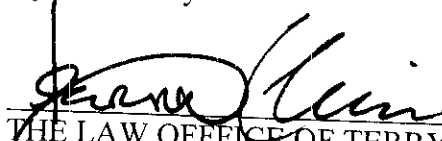
9. Any hardship placed on defendant by the allowance of this Motion is outweighed by the hardship that will accrue to plaintiffs if it is denied.

WHEREFORE, GBI respectfully requests that the Court shorten the period of notice required by Fed. R. Civ. P. 6(c).

Respectfully Submitted,

GARBER BROS., INC.


By its attorney


THE LAW OFFICE OF TERRY KLEIN
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Dated: July 19, 2004

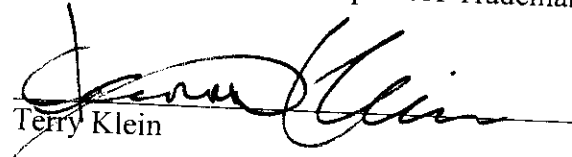
LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify I have conferred with opposing counsel and have attempted in good faith to resolve or narrow the issues raised by this motion.


Terry Klein

CERTIFICATE OF SERVICE

I, Terry Klein, hereby certify that I served a copy of this document upon JH Trademark Company via Federal Express on July 29, 2004.


Terry Klein